

9-ISA-209

Claims Form

To: United States Army Foreign Claims Commission.

From: Name: [REDACTED]

Address: Bagdad Tele. [REDACTED] phone for his home

I am

- a. A citizen and national of: Iraq
- b. A permanent resident of:
- c. Employed by:
- d. Check one () An insurer () Not an insurer
- e. Check one () A subrogee () Not a subrogee

I hereby make a claim against the United States Government for damages or injuries caused by:
(Name, Organization, Military Department, Address, Telephone Number)

detention facility at Camp Paka in Am QSR

The property damaged is owned by: (If the claim is made as an agent, parent, or guardian, attach a power of attorney or other evidence of authority and fill in the form below for party sustaining the damage or injuries.)

My claim arose at: Camp Paka (Town) (City) (Country)

My claim arose on: 22 Mar 2003 until 17 May 03
Month Day Year

Give a brief statement of the accident or incident on which the claim for damages to property or for personal injury is based. (Use back of this sheet if necessary.)

While I was in prison (US custody) my leg got broken & my elbow was ~~also~~ injured causing weakness in my left hand. This happened as a result of abuse I received while I was at Camp Paka

Colonel [REDACTED]

To / the leader of coalition forces in Diala (CMOC)
Subject / indemnification

I am the colonel staff [REDACTED] the commander of the battalion in the previous Iraqi marine , I had arrest in the north of Arab Gulf in 22/3/2003 from American marine , my number of detention [REDACTED] and they transport me to American target then to the camp Poko in Am Qser ,during my arrest I had the following :

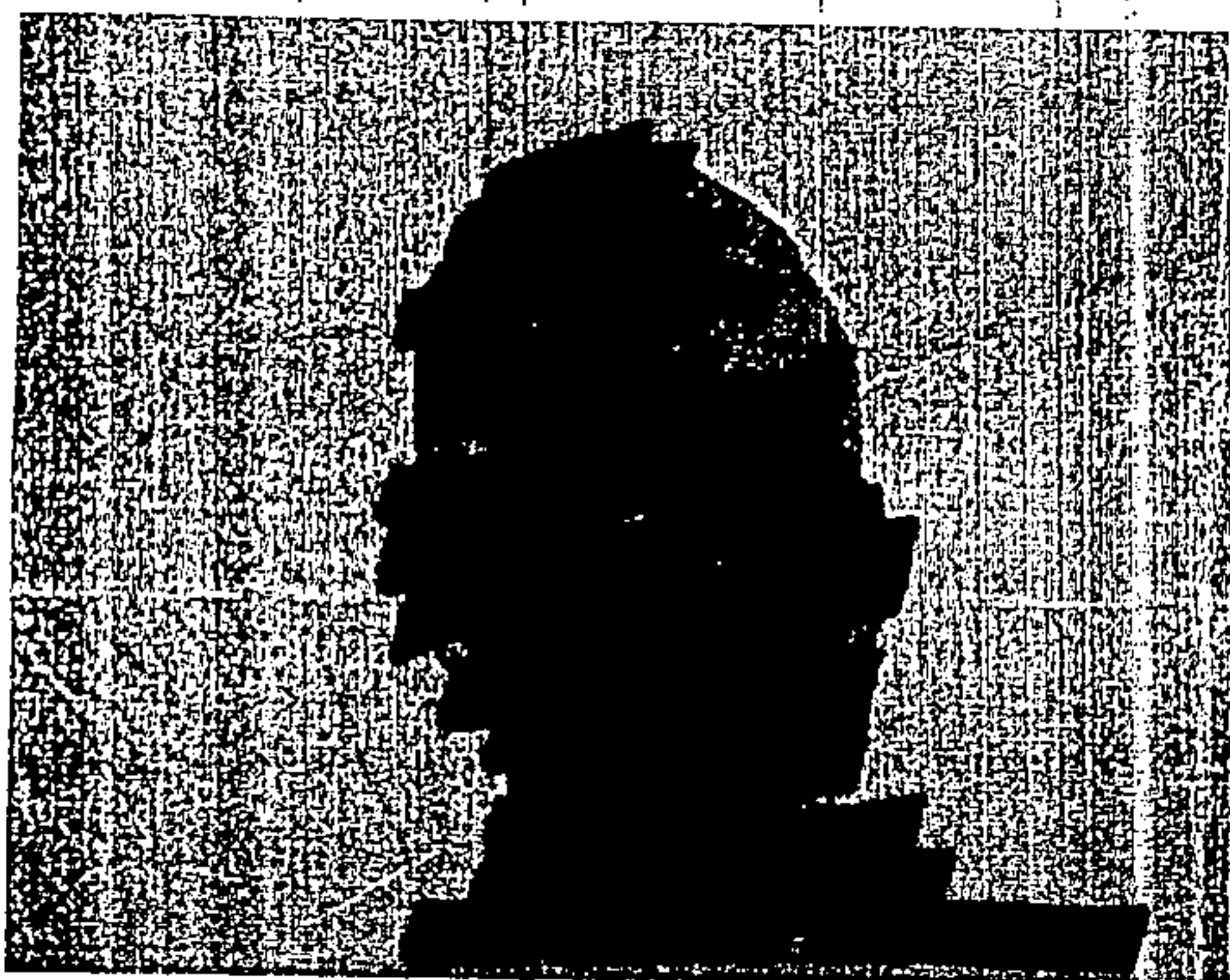
- 1-Fracture the left leg
- 2- Weakness on the attach of my left hand
- 3- I suffer from torture me worse than what had show on the TV in Abou Gripe

My request are the following :

- 1- My cure should be in the American united states .
- 2- Devote me an indemnification as an equivalent for the torture in Abi Gripe prison
with pay attention for me because I am old officer in the army and protect by
Red Cross
- 3- Attachment that proved my statement

with best regard .

[REDACTED]
colonel staff marine
[REDACTED]



Last Name [REDACTED]
First Name [REDACTED]
Middle [REDACTED]
Category EPW-ENEMY PRISONER OF
Power IZ-IRAQ

Arm of Service

MOS
COS
Service No [REDACTED]
Grade O6 -OFFICER
Geneva Cat. IV-SENIOR OFFICER
ICRC
Camp Name BUCCA
Enclosure 94-HOOVER 7
Holding/Cell

Height
Weight
Hair Color
Eye Color

Nationality ZZ-Unknown
Religion
Race
Marks

Sex M
Blood Type
DOB
Complexion

UK9IZ-101983EPW		EPW-ENEMY PRISONER OF WAR	
	Grade	Geneva Cat.	
	O6 -OFFICER	IV-SENIOR OFFICER	
	Height (in)	Weight (lbs)	Hair
	Date Of Birth	Blood Type	Eye
Signature		ICRC	
Name		Issuing Facility: BUCCA	
ALAMOY, Ala's		Issuing UIC: BUCCA	
		Date Issued: 2003/05/16	
		ID Particular	
		14158	
		Marks	
		Left Index	
		Right Index	

	UK9IZ-101983EPW		ID Particular
	Grade	O6 -OFFICER	Geneva Cat. IV-SENIOR OFFICER
	Height (in)	Weight (lbs)	Hair
	Date Of Birth	Blood Type	Eye
Sex M		ICRC	Blood Type
Issued By: BUCCA		UIC: BUCCA	Date: 2003/05/16

Prisoner of War Identity Card

Internment Serial Number [REDACTED]

ID Serial Number [REDACTED]

Date Issued 25/03/2003

Family Name [REDACTED]

Rank OF 6

Service Number [REDACTED]

Given Name [REDACTED]

Initials [REDACTED]

Date of Birth 24/01/1960





DEPARTMENT OF THE ARMY
Headquarters, 3rd Brigade Combat Team
1st Infantry Division
FOB Warhorse, Iraq
APO AE 09392

REPLY TO
ATTENTION OF:

AETV-BGR-JA

23 May 2004

MEMORANDUM FOR Office of the Staff Judge Advocate, Headquarters, 1st Infantry Division,
ATTN: Claims [REDACTED] FOB Speicher, Iraq, APO AE 09392

SUBJECT: Claim of [REDACTED]

1. Claimants name and address: [REDACTED] Baqubah, Iraq, Telephone number [REDACTED]
2. Incident date and place the incident occurred giving rise to the claim: Incident occurred between 22 March 2003 and 17 May 2003 at the Camp Poko detention facility, in Am Qser, Iraq.
3. Amount of claim and filing date: Claimant filed a claim in the amount of \$20,000 on 6 April 2004.
4. Chapter the claim was considered under and a brief description of the incident or of the issues raised by the claimant on reconsideration: Foreign Claims Act and Chapter 10, AR 27-20; claim filed for personal injuries as a result of abuse during detainment.
5. Facts:
 - a. On 22 March 2003, [REDACTED] was taken into custody by coalition forces. [REDACTED] was a Battalion Commander in the Iraqi Marines. He was held at several detention facilities in southern Iraq before spending the majority of his detainment at Camp Poko.
 - b. While [REDACTED] was at the Camp Poko detention facility, he claims to have been the subject of detainee abuse resulting in a broken leg and an elbow injury, which resulted in recurring weakness in his left hand. [REDACTED] has provided x-rays and medical statements from his doctor.
 - c. [REDACTED] stated that he would be satisfied with receiving adequate medical care for his injuries, along with an amount of compensation equal to the compensation that his colleagues received for their detainee abuse claims.
 - d. There was neither an MP report nor an Iraqi Police report included in the submitted claim from [REDACTED]

AETV-BGR-JA

SUBJECT: Claim of [REDACTED]

6. Opinion:

a. In order to form a basis for a claim under the FCA, the incident in question must have arisen outside the United States. In addition, the incident must be caused by either non-combat activities of the United States Armed Forces or by negligent or wrongful acts of military members or civilian employees of the Armed Forces.

b. At this point, there is insufficient evidence to determine if this incident was a result of US Army activities or from another Coalition member.

7. Recommended Action: Forward this claim to the appropriate U.S. service branch or coalition member that is responsible for the Camp Poko detention facility for further investigation and final resolution.

[REDACTED]
CPT, JA

Assistant Brigade Legal Advisor



FC 14 JUL 04

DEPARTMENT OF THE ARMY
U.S. ARMY CLAIMS SERVICE
OFFICE OF THE JUDGE ADVOCATE GENERAL
4411 LLEWELLYN AVENUE
FORT GEORGE G. MEADE, MARYLAND 20755-5360



JUL 13 2004

Foreign Torts Branch

SUBJECT: Claim of [REDACTED]

[REDACTED]
Office of the Judge Advocate General of the Navy
1322 Patterson Avenue
Suite 300
Washington Navy Yard
Washington, D.C. 20374

Dear [REDACTED]:

This letter follows our conversation from July 13, 2004 when you were on annual training at the United States Army Claim Service on Fort Meade, Maryland. As we discussed, the Department of the Army is in receipt of claims for alleged torture and other mistreatment from detainees in Iraq.

On April 6, 2004, a claim in the amount of \$20,000 was submitted by [REDACTED], a commander in the Iraqi marines. [REDACTED] alleges that on March 21, 2003, he was aboard his tugboat in Al-Shrouk, Iraq, when he was captured by U.S. Navy personnel in the Northern Arabian (Persian) Gulf and taken aboard a small ship with 37 Iraqi Naval personnel (17 officers and 20 sailors). He was taken to a large U.S. Navy ship and then processed as an enemy prisoner of war (EPW). He states that he fell on the deck injuring his foot because his hands were flexi-cuffed behind his back. He was then transferred to Camp Bucca, in Southern Iraq, where he alleges that his foot was not treated. He was released on May 17, 2003 and returned to his home in Baqubah, Iraq.

The United States Army Foreign Claims Branch has single service responsibility for tort claims that occur in Iraq. We respectfully request that your office provide us with a copy of any investigations or reports relative to [REDACTED] allegations that he and 37 other Iraqis were capture on March 21, 2003 in the Northern Arabian (Persian) Gulf. We need this information as soon as possible as these claims will be forwarded to the Secretary of Defense Office for resolution. The requested records should be forwarded to my attention to the following address:

Commander
United States Army Claims Service
Office of the Judge Advocate General of the Army
[REDACTED]
Fort Meade, Maryland 20755

I have enclosed a copy of the claim. If you have any questions, you can reach me at
[REDACTED] extension [REDACTED], or [REDACTED] at extension [REDACTED]

Sincerely,

[REDACTED]

Chief Claims Investigator
Foreign Torts Branch

2. Fornammi/Given names/Prénoms

3. Intergovernmental Cooperation

SVENSK SWEDISH SUÉDOISE 620701

3.4. Ländliche/r Teil

164 CM

4. Födelsedatum/Date of birth/Date de naissance

4a. Person(s) [Person(s)] Id. No./N° nat. d'identité

01 JUL/JUL 62

6. Xôn Sây Sây A Fodaisoon/Place of birth/ Lieu de naissance

7. Myndighef/Audbodr/Auftrag, samr. d. Allg. le. pers. bod

6. Apprendez-leur/Date of Issue/Data de délivrance

10. Innehavarens namnteckning/Holder's signature/
Signature du titulaire.

27 JAN/JAN 03

9. Whatscan/Date of expiry/Date d'expiration

11 MÄJ/MAY 11

F

EUROPEISKA UNIONEN

DEN EUROPEISKE UNION

EUROPEAN UNION

EUROPEAN UNION

UNION EUROPEENNE

ΕΥΡΩΠΑΪΚΗ ΕΝΩΣΗ

EUROPESE UNIE

AN LAO VIETAS EORPACH

UNIONE EUROPEA

UNIAO EUROPEA

UNION EUROPEA

EUROPÄISCHE UNION

SVENRIGE

SVENRIGE

SWEDEN

RUOTSI

SUEDE

EDYTHAIA

ZWEDEN

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ΔΙΑΒΑΤΗΡΙΟ

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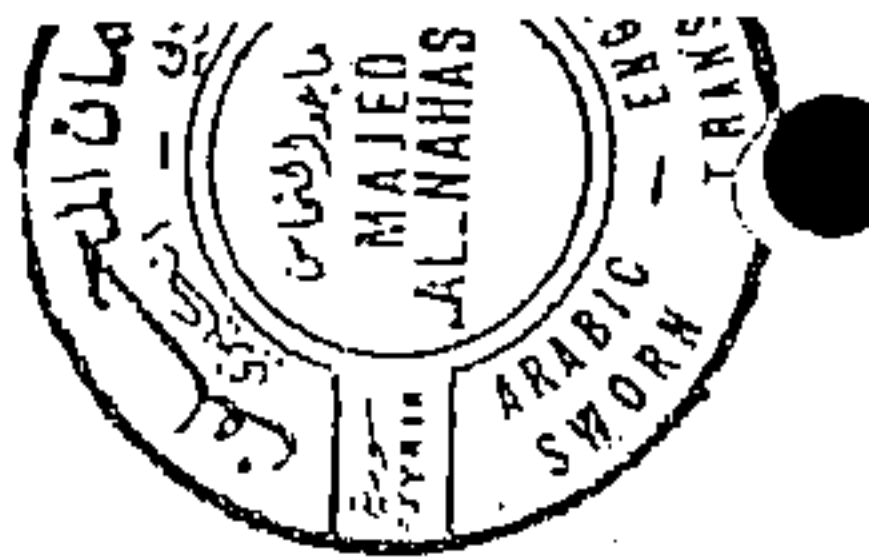
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REISEPASS



Middle East
For Trading & Investment
General - Trade
A. AIRachi's Sons Co.
Syria - Adra - Freezone
Tel : [REDACTED] - Mobile [REDACTED]

**Sale Contract
No. 0304**

First Party : [REDACTED]
Second Party : [REDACTED] of Swedish nationality

Both parties have agreed on the following :

On 14/07/2003, the First Party sold to the Second Party the car owned by him, Mercedes 300, model 1988, plate no. [REDACTED] chasis no. [REDACTED] at amount of **\$3,000 (only three thousand US Dollars)**.

The Second Party paid to the First Party the full amount. The Second Party agreed to purchase the car after checking it.

It was signed upon that

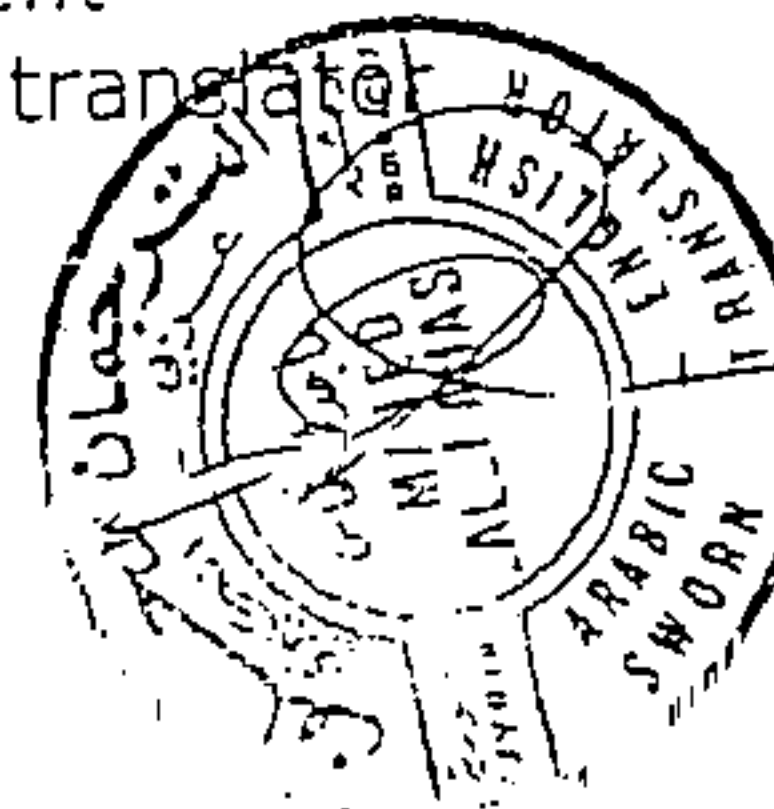
Note : The delivery shall be made inside the free zone in [REDACTED]

First Party (signature)
Second Party (signature)
Witness (signature)
Witness (signature)

Middle East
A. AIRachi's Sons Co.
For Trading & Investment
(seal)

True translation from the attached document

Sworn translation





U.S. [Redacted]

Grade [Redacted]

Height (in) [Redacted]

Sex M

ICPC [Redacted]

UIC [Redacted]

Issued By BCF

ID Number [Redacted]

DOB 1962/07/01

Eye [Redacted]

Blood Type [Redacted]

Date 2003/11/26

[Redacted]

[Redacted]

[Redacted]

[Redacted]

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[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[REDACTED]
ATTORNEYS AND COUNSELORS
[REDACTED]

[REDACTED]
FAX: [REDACTED]
[REDACTED]

May 12, 2004

Via FedEx

Commander
U.S. Army Claims Service
Office of Judge Advocate General
4411 Llewellyn Avenue
Fort Meade, MD 20755-5360

RE: Claim of [REDACTED] for Detainee Mistreatment

Dear Commander:

This letter serves as a claim of our client, [REDACTED] pursuant to the Military Claims Act, 10 USC 2733 and 32 CFR Part 536. The claim is for compensation for torture and other mistreatment on account of and following his arrest in Baghdad, Iraq in September of 2003.

[REDACTED] an Iraqi, currently resides in Dearborn, Michigan, visiting and recovering with family and friends. He is a Swedish citizen. [REDACTED] mother is an American citizen. A copy of his passport is enclosed. [REDACTED] was consistently a staunch advocate against the Baath Party and the Regime of Saddam Hussein. In fact, he was imprisoned in Abu Ghraib from 1980 to 1985 and tortured for his opposition to Saddam Hussein. [REDACTED] was again wanted by the regime of Saddam Hussein because of his continued opposition to the Baath Party and his assistance to the United States effort during the 1991 Gulf War. In fact, he was in the cities of Basra and Zubair distributing fliers to the Iraqi people encouraging resistance against Saddam Hussein's regime, and supporting the efforts of the United States.

After the 1991 Gulf War was won, Saddam Hussein's regime put a price tag on [REDACTED] head and destroyed his home in the city of El Muthana. [REDACTED] escaped to Saudi Arabia for approximately four years and then obtained refugee status in Sweden, eventually becoming a citizen. In Sweden, [REDACTED] continued to be a strong advocate and supporter for the United States and Mr. Hussein's removal.

[REDACTED]

U.S. Army Claims Service
May 12, 2004
Page 2

As you may be aware, after the regime fell, the United States was encouraging the return of Iraqi nationals to invest in their country. [REDACTED] was embarking on a new vision in 2003 after the topple of Saddam Hussein's regime, by returning to his country and investing in its economic future. He was going to purchase a home and invest in a mechanics shop or car outlet, such as a dealership. At the time he left for Iraq in September of 2003, he had in his possession his family savings of \$79,000, to be invested in a home and a business enterprise.

While he was driving his Mercedes in Iraq, on or about September 25, 2003, he was stopped by military personnel. One was named [REDACTED]. As he was trying to explain his presence, and that he was from Sweden, they told him to "shut up", and then they tied his hands with white plastic, put a black cover over his head, and placed him in the trunk of a vehicle. The money that he had in his car and his automobile were confiscated. [REDACTED] saw the money. Attached is a copy of the proof of ownership of his vehicle.

He was then imprisoned in El-Najaf for approximately 8 days. [REDACTED] was taken to a city in Dewaniya where he was subjected to beatings with a stick, along with other detainees, causing him to lose consciousness. [REDACTED] remained in Dewaniya for approximately two days, and was then taken to Abu Ghraib Prison (also known as the Baghdad Central Confinement Facility) on October 4, 2003, the same prison he was sent to by Saddam Hussein. See attached wrist bracelet showing his identification and the name of the camp. In that camp, Mr. [REDACTED] was subjected to horrific abuse and humiliation at the hands of American personnel.

In the prison, through an interpreter, [REDACTED] was asked where he was from and he advised that he was from Sweden. He was then told that he was a "liar". A uniformed man with a name sounding like [REDACTED] accompanied by an interpreter in a military uniform, stated that he was a lawyer and [REDACTED] was asked to sign an admission statement written in Arabic that he was against the United States. [REDACTED] came daily seeking [REDACTED] signature on the admission. Mr. [REDACTED] refused because it was not true. He was then threatened with torture and being shipped to Guantanamo Bay, and subjected to unspeakable and demoralizing acts, for his continued refusal to sign an admission statement.

[REDACTED] and 12 other naked prisoners were roped together by their genitals. A laughing guard then pushed one of the male detainees on the ground, causing the other detainees to suffer extreme physical, mental and emotional distress. They also stretched his penis with a rope and beat it with a stick. He was also stripped naked for periods of time, as long as a day and a half, with a hood over his head. He was forced to ejaculate in a plastic cup, with the semen being poured over his head and body. He was made to lay naked over another male with his penis touching the buttocks of the male, causing both males to cry profusely and ask for forgiveness from God. Cold water was then poured over them.

[REDACTED] was repeatedly shocked with an electric stick and beaten with a cable, and repeatedly made to stay awake by very loud music. Cold water was poured over him when he attempted to sleep and holes were ripped in the tents to let in the wind, causing severe chills. He was also subjected to dehumanizing name-calling by American personnel using Arabic phrases such as "minuk" which means "bitch" and "ishtah", meaning worthless scum, and being constantly called "gay".

On one occasion, a belt was tied around his neck and he was dragged approximately 70 feet. A dog was used to threaten and intimidate him. On several occasions, [REDACTED] was beaten and threatened with a pistol pressed to his head and his head was slammed against the wall.

In another episode, an American guard shot randomly at a crowd, killing approximately five prisoners, including an individual by the name of [REDACTED], whom [REDACTED] had befriended. [REDACTED] was shot in the neck and chest and left to bleed to death on the ground for a couple hours. Mr. [REDACTED] witnessed two men dying slowly, without being provided medical treatment. Chemicals from neon light fixtures were sprinkled on his body, causing him to itch.

In another incident, in one of the tents within the prison, two American guards stripped two young male prisoners, tied their hands, and raped them in front of [REDACTED] and other prisoners. The guards then warned the prisoners that if they told anyone, they would be next.

In another episode, three male Iraqi prisoners were stripped naked and hung by their hands from a hook in the ceiling, while a laughing guard beat on their genitals and sodomized them with a stick in front of other prisoners. [REDACTED] hands were tied above his head, with his heels barely touching the ground, while he was naked, and sodomized with a stick. [REDACTED] was made to lay naked on a chair with a hood on his head while his head was slapped back and forth and he was beaten with a cable while being called degrading names. On one occasion, he almost died from suffocation.

[REDACTED] was placed naked on a table, face down with a hood over his head, and American personnel grabbed his penis and inserted fingers up his anus. On two occasions, American personnel urinated on him. One detainee confided to [REDACTED] that he was forced to have sex with another male detainee.

Upon information and belief, local females were rounded up and imprisoned. For approximately 13 days, [REDACTED] heard constant screaming and crying at night from many females. [REDACTED] heard some females screaming "No! No! Shame on you! This is against God's laws". Although he did not see the acts, he is convinced they were being raped, by their cries and pleas.

In another episode, [REDACTED] was trying to call for prayer and was shot with plastic bullets to his chest, causing great pain. On many occasions, he experienced extreme hunger and thirst, and lost much weight from malnutrition.

He was ordered to carry feces from port-a-potties with American personnel bumping the bucket, causing it to be spilled on him, while they laughed. He was made to sleep on sand, without heat. On several occasions, because of the rain, he had to walk in mud which rose to his calves.

Most of the instances related above occurred before soldiers and plain-clothed American personnel.

When [REDACTED] was released, on or about December 23, 2003, one brave guard gave him the bracelet as evidence of his imprisonment and told [REDACTED] through an interpreter, to go to America to tell everyone what had happened and seek legal recourse. [REDACTED] was released along with two crying females, who looked to

[REDACTED]

U.S. Army Claims Service
May 12, 2004
Page 5

be about 16 and 70. After his release, [REDACTED] sought medical treatment in Syria. Dr. [REDACTED] observed physical injuries to [REDACTED] left leg and right hand. [REDACTED] arrived in the United States on March 19, 2004. He is currently seeking psychiatric treatment in Michigan. He has been diagnosed with closed head injuries. The records of treatment will be furnished when they become available, to provide you with a better understanding of this claim.

As you know, a recent investigation was conducted of the 800th Military Police Brigade, which is commonly known as the Taguba Report. In that report, findings were made of unconscionable and unspeakable crimes against humanity perpetrated at the Abu Ghraib Detention Facility during the same time period [REDACTED] was detained.

My client has suffered extreme mental, physical and emotional injuries and distress as a result of the unspeakable crimes and extreme torture by American personnel, including but not limited to nightmares, insomnia, depression; loss of memory, headaches, and vision problems.

[REDACTED] is seeking return of his personal property, including his documents, \$79,000.00 in U.S. dollars, and his Mercedes, valued at \$3,000.00. He is also entitled to compensation for the pain and suffering and the mental and emotional distress which he has and will suffer for the rest of his life as a result of the unspeakable crimes against him. It is evident from the substance of this claim that the harm the U.S. Army inflicted on [REDACTED] far exceeds \$100,000.00 and is meritorious.

We hope that you treat this matter very seriously. The persons involved never deserved to wear a United States uniform. It would be unconscionable if my client is not adequately compensated.

Please call me to discuss possible settlement options. Thank you, and we look forward to hearing from you.

Very truly yours,

[REDACTED]

SHA/11
Enclosures



To whom it may concern:

I would like to inform you that [redacted]
[redacted] has an accident at 26 of september
2003 which has caused an injury of the
iniencephanly.

This injury affected the movement of his right
hand and left leg about 30%.

[redacted] started physical treatment in [redacted] may
clinic at 25.12.2003.

He achieved alittle improvement after six
weeks till 15.2.2004 but he can not resume
his work yet.

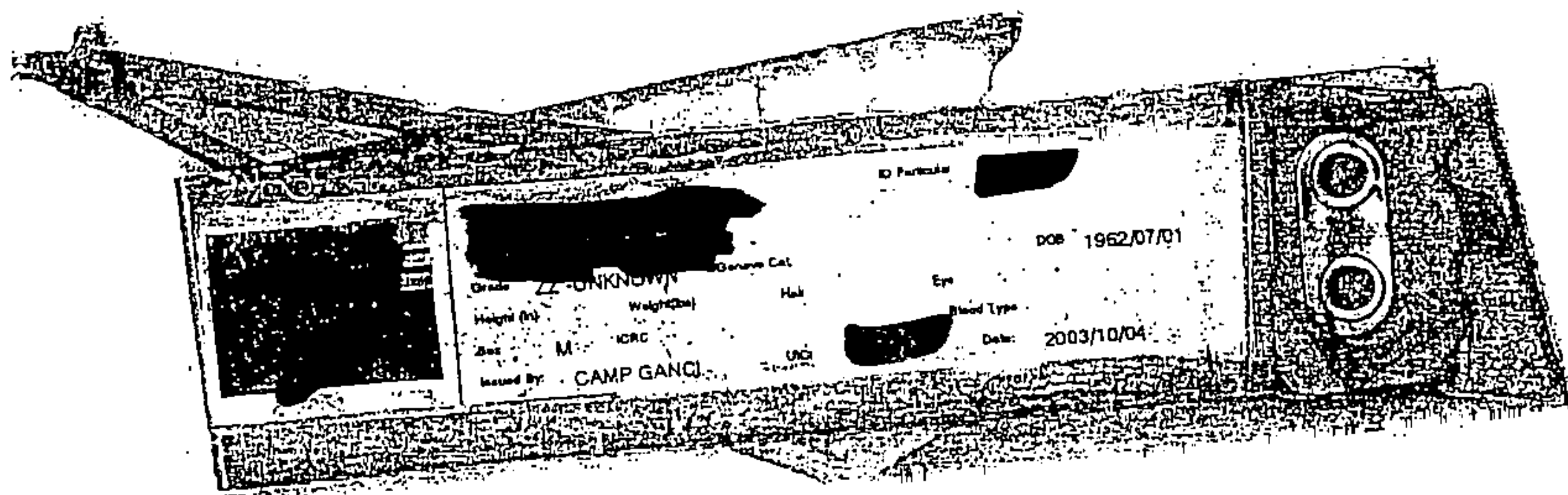
He needs along time for recovery.

[redacted signature block]

٢٩٧٩٠٤٠٤

Handwritten Arabic text at the top right: رقم ١٢٢٠٣٥ / ق

Official stamps and signatures on the right side, including a circular stamp with a star and crescent, and a rectangular stamp with Arabic text. A handwritten signature is visible below the stamps.





DEPARTMENT OF THE ARMY
U.S. ARMY CLAIMS SERVICE
OFFICE OF THE JUDGE ADVOCATE GENERAL
4411 LLEWELLYN AVENUE
FORT GEORGE G. MEADE, MARYLAND 20755-5360



MAY 25 2004

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

May 24, 2004

Foreign Torts Branch

Subject: Claim of [REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]
Huntington Woods, MI 48070-1332

Dear Mr. [REDACTED]

This letter acknowledges receipt on May 18, 2004 of the claim and accompanying documents you submitted related to the above-captioned claim of your client, [REDACTED] against the United States in the amount of \$100,000. The claim alleges that United States military personnel in Iraq mistreated and tortured your client in Abu Ghraib prison after his arrest in Baghdad, Iraq, from September to December 2003.

You submitted this claim under the Military Claims Act (MCA) Title 10, United States Code, Section 2733, as you allege [REDACTED] is a resident of the United States and the claim arose in Iraq. However, there is no evidence in the documents you submitted that [REDACTED] was a resident in the US before he went to Iraq. This is required in order to be adjudicated under the MCA. Absent proof of residence prior to his going to Iraq in September 2003, this claim will be adjudicated under the Foreign Claims Act (FCA), Title 10, United States Code, Section 2734.

If we receive proof of US residency, we will adjudicate the claim under the MCA. The MCA is a purely administrative remedy; no judicial remedy is available under the MCA. Unfavorable action on the claim may be appealed to higher authority. Under the MCA, attorney fees are limited to 20 percent of any settlement and are paid by the claimant out of the settlement. The claims investigation will be informal. There are no depositions or other formal discovery procedures required or followed under the MCA. I will contact you concerning the specifics of the investigation.

Alternatively, absent receipt of proof of residence, this Service will process your client's claim under the FCA. The FCA is purely an administrative remedy; no judicial remedy is

available under the FCA. A Foreign Claims Commission (FCC) will adjudicate the claim. Under the FCA, the claims investigation will also be informal; there are no depositions or other formal discovery procedures required or followed.

In addition, the law requires that a claimant sign the claim or provide written authority for someone else to sign on his behalf. I am enclosing a standard form (SF) 95 for your use. Please complete the relevant portions of the form and have your client sign the SF 95 where indicated. Alternatively, please provide a signed authorization from your client for you or someone else to sign the claim form on his behalf.

The MCA requires that the alleged Government tortfeasors be acting within the scope of their authority when they cause injury to a claimant. Some of the conduct you allege occurred appears to be clearly outside the scope of duty required of a military member to arrest and detain someone. Please explain why you believe that this conduct falls within the coverage of the MCA. We are in receipt of some of the factual allegations of his claim; could you please have him explain and itemize the claimed damages, including the \$79,000.00 in cash he claims was lost and an itemization of the personal property which was taken.

If this Service adjudicates the claim under the FCA, the FCC will notify you of the proposed final action on your client's claim no later than 30 days before taking final action. If you are dissatisfied with it, during that 30 day period, you may request (in writing) that the FCC reconsider its proposed final action. The FCC's final action on your claim cannot be appealed.

If you have any questions, you may contact me at [REDACTED] extension [REDACTED]. Please refer to your claim number in all correspondence.

Sincerely,

[REDACTED]
Lieutenant Colonel, US Army
Chief, Foreign Torts Branch

Enclosure

Office of the Principal Legal Advisor

U.S. Department of Homeland Security
425 I Street, N.W., Room 6100
Washington, DC 20536



U.S. Immigration
and Customs
Enforcement

June 2, 2004

[REDACTED]
Chief Claims Investigator
Foreign Torts Branch
United States Army Claims Service
Office of the Judge Advocate General
4411 Llewellyn Avenue
Fort George G. Meade, Maryland 20755-5360

Dear [REDACTED]

In reply to your request that this office determine the immigration status of the two claimants, [REDACTED], we have done a preliminary computer search. Our records show that [REDACTED] is a Swedish citizen, arrived on March 19, 2004, with visitor status that will expire on June 18, 2004. He has no "green card" or immigration file other than the record of his entry as a visitor. Since he is a Swedish citizen he is allowed to visit without a visa pursuant to the Visa Waiver Program, which allows visitors from specified countries to enter this country for short periods of time without a visa.

[REDACTED] has received a Permanent Resident Card, immigration [REDACTED] as a result of his emigration from Canada. [REDACTED] can request a replacement for his Permanent Resident Card by submitting a completed form I-90. The replacement process is sometimes a long wait, however, the submission of the request form generates file-stamped paperwork that will suffice as proof of his residency for any travel he needs to accomplish in the interim.

I hope this information is helpful. Please contact me at your earliest convenience if you have any further questions.

Sincerely,

[REDACTED]

Chief
Commercial and Administrative Law Division



DEPARTMENT OF THE ARMY
U.S. ARMY CLAIMS SERVICE
OFFICE OF THE JUDGE ADVOCATE GENERAL
4411 LLEWELLYN AVENUE
FORT GEORGE G. MEADE, MARYLAND 20755-5360



CERTIFIED MAIL - RETURN RECEIPT REQUESTED

June 9, 2004

Foreign Torts Branch

Subject: Claim of [REDACTED]

[REDACTED] P.C.
[REDACTED]
Huntington Woods, MI 48070-1332

Dear Mr. [REDACTED]:

This letter acknowledges receipt on June 8, 2004 of the amended claim and accompanying documents you submitted by hand related to the above-captioned claim of your client, [REDACTED] against the United States in the amount of \$82,000.00 for property loss and \$3.5 million dollars for personal injury. The claim alleges that United States military personnel in Iraq mistreated and tortured your client in Abu Ghraib prison after his arrest in Baghdad, Iraq, from September to December 2003. Your client alleges insomnia, depression, loss of memory, post traumatic stress disorder, injury to his left leg and right hand, and closed head injury.

As we discussed yesterday, I will consider this claim under the Foreign Claims Act (FCA), Title 10, United States Code, Section 2734, as [REDACTED] is a resident of Sweden and the alleged injuries took place outside of the United States.

If you have any questions, you may contact me at [REDACTED] extension [REDACTED] or by email at [REDACTED]. Please refer to your claim number in all correspondence.

Sincerely,

[REDACTED]
Lieutenant Colonel, US Army
Chief, Foreign Torts Branch



DEPARTMENT OF THE ARMY
U.S. ARMY CLAIMS SERVICE
OFFICE OF THE JUDGE ADVOCATE GENERAL
4411 LLEWELLYN AVENUE
FORT GEORGE G. MEADE, MARYLAND 20755-5360



Foreign Torts Branch

JUN 15 2004

[REDACTED]
Department of Homeland Security
Office of General Counsel
Immigration and Naturalization Service
Washington, DC

Dear [REDACTED]:

I would like to take this opportunity to thank you for your prompt reply to our letter dated May 20, 2004, concerning claimants, [REDACTED] and [REDACTED].

On June 8, 2004, Li [REDACTED], Chief of Foreign Torts Branch at the United States Army Claims Service and I interviewed [REDACTED] at his attorney's office in Dearborn, Michigan. [REDACTED] stated that his mother [REDACTED] of Dearborn, Michigan a naturalized United States Citizen traveled to Baghdad, Iraq during the period September thru December 2003, to talk to the General's once she found out that he was incarcerated. It is possible that she first went to Syria and traveled overland to Baghdad.

Could you please check your computer to determine if his statement is true or not. If you have any questions, you can reach me at [REDACTED], extension [REDACTED] or [REDACTED], extension [REDACTED].

Sincerely,

[REDACTED]
Chief Claims Investigator
Foreign Torts Branch

ATTORNEYS AND COUNSELORS
26611 WOODWARD AVENUE

FAX: [REDACTED]
e-mail: [REDACTED]

August 6, 2004

[REDACTED]
Chief Foreign Torts Branch
Department of the U.S. Army
U.S. Army Claims Service
Office of the Judge Advocate General
4411 Llewellyn Avenue
Fort George G. Mead, MD 20755-5360

RE: Claim [REDACTED]
04-C01-T065

Dear Lieutenant [REDACTED]

This is a follow up pertaining to [REDACTED] claim. As you know, it has been three months since we filed the claim. My client is in desperate need of the funds that were taken away from him. Could we agree that the \$79,000 be returned to my client while the remaining claim is being considered?

Your prompt attention to this matter would be greatly appreciated. Thank you.

Very truly yours,
[REDACTED]
[REDACTED]

SHA/le

[REDACTED]
ATTORNEYS AND COUNSELORS
26611 WOODWARD AVENUE
[REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]
e-mail: [REDACTED]
FAX: [REDACTED]

August 6, 2004

[REDACTED]
Chief Foreign Torts Branch
Department of the U.S. Army
U.S. Army Claims Service
Office of the Judge Advocate General
4411 Llewellyn Avenue
Fort George G. Mead, MD 20755-5360

RE: Claim [REDACTED] eh
04-C01-T065

Dear Lieutenant [REDACTED]

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Your prompt attention to this matter would be greatly appreciated. Thank you.

Very truly yours,
[REDACTED]
[REDACTED]
[REDACTED]

SHA/le

CLAIM FOR DAMAGE, INJURY, OR DEATH

INSTRUCTIONS: Please read carefully the instructions on the reverse side and supply information requested on both sides of this form. Use additional sheet(s) if necessary. See reverse side for additional instructions.

FORM APPROVED
OMB NO.
1105-0008

1. Submit To Appropriate Federal Agency:
U.S. Army Claims Service
Office of Judge Advocate General
4411 Llewellyn Avenue
Fort Meade, MD 20755-5360

2. Name, Address of claimant and claimant's personal representative, if any. (See instructions on reverse.) (Number, street, city, State and Zip Code)

[REDACTED] .C.
[REDACTED]
[REDACTED]

3. TYPE OF EMPLOYMENT ☐ MILITARY ☐ CIVILIAN 4. DATE OF BIRTH 01/07/1962 5. MARITAL STATUS Married 6. DATE AND DAY OF ACCIDENT 09/25/2003 to aprox. 12/23/03 7. TIME (A.M. OR P.M.)

8. Basis of Claim (State in detail the known facts and circumstances attending the damage, injury, or death, identifying persons and property involved, the place of occurrence and the cause thereof) (Use additional pages if necessary.)

Please see enclosed letter.

PROPERTY DAMAGE

9. NAME AND ADDRESS OF OWNER, IF OTHER THAN CLAIMANT (Number, street, city, State, and Zip Code)

BRIEFLY DESCRIBE THE PROPERTY, NATURE AND EXTEND OF DAMAGE AND THE LOCATION WHERE PROPERTY MAY BE INSPECTED. (See instructions on reverse side.) Please see enclosed letter.

Note: There was no property damage. Simply, \$79,000 in addition to a vehicle value at \$3,000 remain in possession with the army.

PERSONAL INJURY/WRONGFUL DEATH

10. STATE NATURE AND EXTENT OF EACH INJURY OR CAUSE OF DEATH, WHICH FORMS THE BASIS OF THE CLAIM. IF OTHER THAN CLAIMANT, STATE NAME OF INJURED PERSON OR DECEDENT.

Please see enclosed letter.

WITNESSES

11.

NAME

ADDRESS (Number, street, city, State, and Zip Code)

[REDACTED]
[REDACTED]

[REDACTED]
[REDACTED] .C.
[REDACTED]

Names of other witnesses will be furnished.

12. (See instructions on reverse)

AMOUNT OF CLAIM (in dollars)

12a. PROPERTY DAMAGE

12b. PERSONAL INJURY

12c. WRONGFUL DEATH

12d. TOTAL (Failure to specify may cause forfeiture of your rights.)

Money \$79,000

\$3,500,000

Vehicle \$ 3,000

I CERTIFY THAT THE AMOUNT OF CLAIM COVERS ONLY DAMAGES AND INJURIES CAUSED BY THE ACCIDENT ABOVE AND AGREE TO ACCEPT SAID AMOUNT IN FULL SATISFACTION AND FINAL SETTLEMENT OF THIS CLAIM

13a. SIGNATURE OF CLAIMANT (See instructions on reverse side.)

13b. Phone number of signatory

14. DATE OF CLAIM

(248)591-5000

05/12/2004

CIVIL PENALTY FOR PRESENTING FRAUDULENT CLAIM

The claimant shall forfeit and pay to the United States the sum of \$2,000, plus double the amount of damages sustained by the United States. (See 31 U.S.C. 3729.)

Previous editions not usable.

CRIMINAL PENALTY FOR PRESENTING FRAUDULENT CLAIM OR MAKING FALSE STATEMENTS

Fine of not more than \$10,000 or imprisonment for not more than 5 years or both. (See 18 U.S.C. 287, 1001.)

STANDARD FORM 95 (Rev. 7-85)
PRESCRIBED BY DEPT. OF JUSTICE
28 CFR 14.2 USAPPC V1.00

Received
8 Jun 04

NK

DIRECT: 300-4

April 30, 2004

Certified, Return Receipt Requested

Commander
U.S. Army Claims Service
Office of the Judge Advocate General
Fort George G. Meade, Maryland 20755-5360

RE: Claim of [REDACTED]

Dear Commander:

I am attaching an executed document captioned "Claim of [REDACTED] pursuant to the Military Claims Act, 10 U.S.C. § 2733, and 32 C.F.R. Part 536." Mr. [REDACTED] is a Canadian citizen and permanent resident of the United States. The claim is for compensation for torture and other mistreatment on account of and following his arrest in Baghdad, Iraq, on April 9, 2003.

You will note that the amount of the claim in excess of one hundred thousand dollars (\$100,000). It is evident from the substance of the claim that the harm the U.S. Army inflicted on Mr. [REDACTED] exceeds that amount, and thus it appears that the claim is meritorious.

[REDACTED] will make himself available for medical and psychological examination in order to pursue this claim, and will make all records that he has available as well. Unfortunately, however, his imprisonment in Iraq has had a devastating impact not only upon him personally but also upon his wealth and business. As a result, it would be difficult for him to come to the United States at his own expense to pursue this claim. In addition and for obvious reasons I would like to accompany him on any interaction between him and representatives of the Army, and [REDACTED] currently is not able to pay my expenses. For these reasons, we respectfully request that the Army make appropriate arrangements to cover such out-of-pocket costs as this claim progresses through the system.

Commander, U.S. Army Claims Service

April 30, 2004

Page 2

I assume that there will be other issues arising as this matter moves forward, and look forward to working with you in order to achieve a just settlement of this matter. Please let me know if you have any questions.

Very truly yours,

Attorney for [REDACTED]

Enclosure: Claim of [REDACTED]

cc: Client (w/enclosure)

DEPARTMENT OF THE ARMY
BEFORE THE
COMMANDER, U.S. ARMY CLAIMS SERVICE

Claim of [REDACTED] pursuant to the
Military Claims Act, 10 U.S.C. § 2733, No.
and 32 C.F.R. Part 536

I. Introduction

This is a claim for compensation submitted by [REDACTED] a citizen of Canada and a permanent resident of the United States. This claim is for personal injury, loss of property, and property damage caused by members of the Department of the Army ("DA") acting within the scope of their employment. The claim presented herein is incident to noncombat activities of the Army.

[REDACTED] was born in Cairo, Egypt, on [REDACTED], and immigrated to Canada in February 1971. [REDACTED] became a naturalized Canadian citizen in approximately 1976, and about four years later he emigrated to the United States, where he took up residence in Los Angeles, California. [REDACTED] is requesting compensation for torture and other personal injuries inflicted upon him while he was in Iraq in the spring of 2003. His claims arise from his arrest and detention in the American prisoner of war camp in Camp Bucca in Umm Kaser, Iraq. He is also requesting compensation for lost money (cash) and property that were taken from him as a result of his arrest and incarceration and never returned to him.

II. Factual Background

[REDACTED], an Arab by birth, is a member of a peace organization called "Rights and Freedom International," or "RFI." One of RFI's primary objectives was to attempt to convince the leaders of Iraq that they should step down in order to avoid a war with the United States. In pursuit of those objectives [REDACTED] entered Iraq in January 2003.

On April 9, 2003, United States Marines arrived in Baghdad. While he was outside of his hotel, the Sheraton, he was detained by the H&S Company, 3/4 Division of the United States Marines (Lieutenant [REDACTED] and "Sergeant [REDACTED] were in charge). [REDACTED] was taken by American forces and placed in an armored personnel carrier and prohibited from returning to his hotel room and gathering his papers, cash, and other belongings. A list of the cash, documents, and possessions thus lost is attached as Exhibit 1.

[REDACTED] was detained in an armored personnel carrier for three days following his arrest. On the fourth day, after protesting his arrest, [REDACTED] was handcuffed and beaten. At that point, [REDACTED] was sent south to the Bucca prisoner of war camp; it took approximately three days to arrive at that camp. At an intermediate camp on the way, a soldier required him to empty his pockets of some money, his identification papers, glaucoma and depression medications, and his hotel room key. When [REDACTED] protested, the soldier whipped [REDACTED] with his gun and, when [REDACTED] fell the soldier used the butt of his gun to hit him; at the same time, the soldier kicked and stepped on [REDACTED] with the soles of his shoes.

Once incarcerated in Bucca, the word "Canadian" was written in black marker on [REDACTED] white shirt front and back and given No. [REDACTED]. Apparently being a Canadian did not mean favorable treatment, for [REDACTED] was then interrogated and tortured

on a daily basis. For example, he was required to wait under the fierce southern Iraqi sun for his turn at being interrogated, and when the interrogations began he was falsely accused of having Iraqi documents in his possession, all with a view toward extracting a confession. [REDACTED] was accused of being both a speechwriter for Saddam Hussein as well as his "right-hand man." When [REDACTED] refused to confess, he was beaten in a variety of ways – he was hit with open hands, fists, shoes, and gun butts. The most alarming form of torture was when the interrogators put gun muzzles at his head or body, which put [REDACTED] in great fear of imminent death. Perhaps because of the extreme treatment that [REDACTED] suffered, other prisoners became somewhat protective of him. [REDACTED] both was punished and witnessed others' punishment numerous times.

The abuse was not only active, it was passive. In [REDACTED] case, it consisted of withholding medication for glaucoma and depression and threats that he would be sent to Guantanamo if he ever complained about the beatings. After three weeks of torture and mistreatment, [REDACTED] concluded that the only way to stop this mistreatment was to go on a hunger strike and so weaken his body that the torture would stop. The hunger strike, however, did not deter the punishment. Specifically, one day during the hunger strike [REDACTED] refused a meal, whereupon five or six soldiers led by Master Sgt. [REDACTED] handcuffed and placed leg irons on [REDACTED]. Master Sgt. [REDACTED] then started beating [REDACTED] severely in his face and body, cutting his lip, and also kneeling him in the groin. [REDACTED] recognized Master [REDACTED] because she was the only soldier in front of him and thus he was able to read her nameplate, [REDACTED]. After severely beating [REDACTED] he was taken to the solitary

confinement cell. (Master Sgt [REDACTED] was subsequently discharged from the Army for torture of Iraqis at Bucca prisoner of war camp; she is now in the United States.)

[REDACTED] ultimately came to believe that the soldiers desired him dead; one time, upon his return from a torture session, a prisoner who was generally acknowledged to be an informer suggested that [REDACTED] make a run for freedom instead of submitting to more abuse. [REDACTED] was too weak to run anywhere, and believes that the informer's advice was intended to provoke an action that would lead to [REDACTED] death.

On one occasion a Major [REDACTED] who appeared to be in charge of administration, suggested that [REDACTED] complain about the beatings. [REDACTED] did so by writing a complaint to the Criminal Investigating Division ("CID"). The CID agent took the complaint and said he would return. The CID agent did not return; however, other soldiers did – and they beat [REDACTED] for submitting the complaint. [REDACTED] has never heard from the CID regarding his complaint.

[REDACTED] was taken into solitary confinement many times; the mere act of transporting him was itself intensely cruel. First he was handcuffed with his hands behind his back and leg irons placed on him, and then two soldiers would lift him by his handcuffed arms and half-carry him to the cell, causing intense pain in his shoulders. On arrival, the soldiers would throw [REDACTED] on his face and beat him, and if he protested his face would be forced into the sand. On most occasions he would then be placed in the cell without taking off the arm and leg restraints. Once, after being hogtied for hours, [REDACTED] complained about his treatment, whereupon they threatened to put him in the burning sun. On several occasions the soldiers tied his handcuffs to the barbed wire of the cell, which forced him to stand for hours

unable to move, which caused severe cramps to his body and also caused his hernia to protrude, causing more pain.

May 15, 2003: Deportation – to Egypt

Ultimately the soldiers apparently believed that [REDACTED] was not an enemy, for they offered to release him – but only if he would change his bloodied shirt and undershirt. After first refusing, [REDACTED] took off the bloody garments and placed them in his bag. The soldiers, however, open his bag and stole the bloody garments. On May 15, 2003, [REDACTED] was deported – not to Canada, where he is a citizen, and not to the United States, where he is a permanent resident but, rather, to Egypt.

III. The Consequences: Medical, Psychological, Emotional, and Financial

Medical Consequences

1. Loss of Hearing in Left Ear. As a consequence of being slapped severely alongside his head during torture, [REDACTED] lost the greater part of the hearing in his left ear.
2. Eye Condition. At the time of his arrest and incarceration [REDACTED] was under treatment for glaucoma, which was then under control. As a result of the Army's withholding of medication, his eye condition worsened and he is now required to use three medications. Moreover, the withholding of medication may result in accelerated eye surgery, with a likely outcome that blindness will result sooner than otherwise would have occurred.
3. Hernia. [REDACTED] hernia, which previously was controlled with a belt, is now more difficult to control.

Psychological and Emotional Consequences

As a result of his incarceration and torture, [REDACTED] has suffered and is continuing to suffer the following consequences:

1. Depression. Prior to arrest, [REDACTED] was under treatment for depression. Once he was arrested, his medication was withheld and that withholding, when coupled with the torture, resulted in much more severe symptoms. Since his release, his doctors have prescribed stronger medications which, in turn, have had negative side effects, including without limitation loss of sexual desire. Stronger medications have not alleviated the depression.
2. Post-Traumatic Stress Disorder. [REDACTED] now suffers from post-traumatic stress disorder which is preventing him from running his business.
3. Loss of Sleep/Sleep Disorder. As a result of the incarceration and torture, [REDACTED] now suffers nightmares and from a sleep disorder; as a result, he cannot obtain adequate sleep.
4. Flashbacks. [REDACTED] has constant flashbacks to the time of incarceration and torture, which has resulted in suicidal thoughts and an obsessive desire for death.
5. Memory Loss. [REDACTED] ability to remember recent events has deteriorated.

Financial Consequences

1. Cash. When [REDACTED] arrived in Iraq, he had with him the proceeds of a sale of Garmin Europe products in the amount of \$119,000. That money was hidden in his hotel room and in his carrying bag. When [REDACTED] was arrested, although American military personnel took control over his room, they did not give him any of his money or most of his other belongings.

2. Personal Effects. [REDACTED] lost his personal laptop computer, camera, film, address books, business contacts and leads, and a variety of other valuable business and personal effects. A detailed inventory of the items lost is attached as Exhibit 1

3. Business Consequences. [REDACTED] lost substantial sums in various transactions that were made impossible because of his incarceration.

IV. Request for Relief

WHEREFORE, on account of the foregoing, [REDACTED] requests compensation in the amount of three hundred fifty thousand dollars (\$350,000).

DATED: April 30, 2004

Respectfully submitted,

[REDACTED]
Of Attorneys for [REDACTED]

Exhibit 1:
List of Items Stolen

Several official Iraqi governmental documents and letters
Several photographs of Iraqi officials and some of the National Folklore Company
Canon Camera with the roll of film inside
Toshiba Notebook computer
Valid Canadian Passport
Two voided Canadian Passports
Egyptian Passport
Three Japanese Saving Accounts Bank Books
Two Taiwanese Accounts Saving bank Books
Three Egyptian Bank Accounts Books
\$118,700 (US\$) cash hidden in hotel room
\$300 (US\$) cash on person
\$200 (Iraqi currency) cash on person
Casio Address Book organizer and contents
Address book
Hotel room key taken out of pocket
Hotel ID card
Canadian citizenship card
Wallet
Canadian social insurance card
US social security card
US "Green Card" (INS certificate)
Florida drivers license
Bank of Montreal ATM card
Airline reservation voucher and used tickets
Business contacts cards
Iraqi visa and official letters
Transcript of health book
Private pilot's license (US)
Aircraft and power plant license (US)
Aircraft Maintenance Engineer License (Canada)
Pilot log book
Pulse Generator (a German invention)
Engineering degree transcript
Egyptian military service exemption
Birth certificate

[REDACTED]

May 10, 2004

[REDACTED]

Via First Class Mail

[REDACTED]
Chief, Foreign Torts Branch
DEPARTMENT OF THE ARMY
U.S. Army Claims Service
Office of the Judge Advocate General
4411 Llewellyn Avenue
Fort George C. Meade, MD 20755-5360

Re: Claim of [REDACTED] 04-C01-TO64

Dear [REDACTED]

This is in response to [REDACTED] May 5 regarding the processing of [REDACTED] claim under the Military Claims Act ("MCA"). After receiving that letter, I talked over the telephone with [REDACTED] who indicated that the Army is interested in expediting this claim. The purpose of this letter is to set in motion from our end the processes that we hope will lead to an expeditious resolution of the claim.

During my discussion with [REDACTED] I was requested to provide [REDACTED] social security number. That number is: [REDACTED]

Addressing [REDACTED] ability to travel to the United States, as noted in the claim form his green card was taken from him when he was arrested and was not returned. Also, he was unable to obtain a replacement green card from consular officials in the Middle East. Accordingly, it would be very helpful if some advance thinking on this issue. Ideally, [REDACTED] would like to get a replacement green card. Lacking that, he would like it understood that, when he returns, he is doing so with the intention of resuming his status as a resident.

Addressing [REDACTED] letter, I understand the limitations of the MCA, including the limitation on attorneys' fees, and that claim investigation will be informal. Notwithstanding the informality of the process, we would like to request your assistance in obtaining as much information from official Army files, Navy (Marine) files, and any other sources available to you regarding [REDACTED] and his interaction with both the United States Marines and the United States Army. This information would be very helpful in coming to an expeditious settlement and, to the extent that there are any privacy or other concerns or limitations, [REDACTED] hereby

[REDACTED]

[REDACTED]
May 10, 2004

Page 2

waives any rights he might have in order that that information might be released to him and to me. I understand that there is at least one written matter, which consists of a claim under DOD Hotline Claim No. [REDACTED]. The specific information that [REDACTED] would like to obtain includes, but is not limited to, the following:

- All records and documents relating in any way to [REDACTED] arrest in Baghdad, Iraq;
- All records and documents relating in any way to the transportation of [REDACTED] to Bucca camp;
- All records and documents relating in any way to the materials, papers, and other effects taken from [REDACTED] hotel room in Baghdad;
- All records and documents relating in any way to any materials, papers, and other effects taken from [REDACTED] person;
- All records and documents relating in any way to [REDACTED] incarceration in Bucca Camp;
- A copy of DOD Hotline Claim No. [REDACTED] and any materials and documents related thereto;
- A copy of all records or other materials relating to any contacts between [REDACTED] and military and civilian personnel of the United States not covered in the previous requests;
- A copy of all documents and other materials relating to contracts and other understandings between the United States and CACI, Inc., or any of its affiliates.

Finally [REDACTED] has reminded me that a [REDACTED] is in a position to verify [REDACTED] presence in Bucca camp during the period mentioned.

I appreciate your attention to these matters. If I should seek these and other materials through another vehicle (such as a formal request under the Freedom of Information Act), please let me know.

Please let me know if you have any questions.

Very truly yours,

[REDACTED]
[REDACTED]
[REDACTED]
Attorney for [REDACTED]

cc: [REDACTED]
[REDACTED]

[REDACTED]

[REDACTED]

June 15, 2004

Via First Class Mail

[REDACTED]

Chief, Foreign Torts Branch
DEPARTMENT OF THE ARMY
U.S. Army Claims Service
Office of the Judge Advocate General
4411 Llewellyn Avenue
Fort George G. Meade, MD 20755-5360

Re: Claim of [REDACTED] 04-C01-T064

Dear [REDACTED]

Thank you for your letter of June 3. After consulting with my client we are offering the following information in response.

First, thank you for the information regarding the replacement of [REDACTED] "Green Card." We will be following up on this issue.

Second, we have filed Freedom of Information Act requests with both the Army and the Department of Defense; any information we gather through that process that is relevant to your inquiry we will share with your office.

Regarding an interview, at present [REDACTED] has not completely recovered from his ordeal and therefore it may be more convenient to interview him in Saudi Arabia. Of course, I would like to be present in such a situation and therefore I would appreciate the opportunity to work out a mutually convenient time for such an interview.

Turning to the issue of liability for certain actions, quite frankly the issue of tortfeasors acting within the scope of their authority is somewhat problematic. In your letter you note, "Some of the conduct you allege occurred appears to be clearly outside the scope of duty required of a military member to arrest and detain someone." We recognize that the actions must be within the "scope of employment" to be cognizable under the Military Claims Act. Obviously, had [REDACTED] been simply arrested and detained – had the military personnel done only what they have traditionally done with prisoners of war during armed conflicts – he would have no claim. The Military Claims Act, however, is apparently premised upon the notion that prisoners of war will not suffer the loss of their property or personal injury in the hands of their

[REDACTED]

[REDACTED]
June 15, 2004

Page 2

captors. See 10 U.S.C. § 2733(a). The Iraq war – and, indeed, the “War on Terror” – have led to new scopes of duty for soldiers that assume soldiers in charge of prisoners or war will engage in conduct that causes personal injury. For example, recently Attorney General Ashcroft indicated that activities that appear clearly to be “torture” under the Geneva Conventions are legitimate interrogation techniques under American law; such techniques clearly cause – indeed, are intended to cause – personal injury. Moreover, I understand that some have argued that the President, as Commander in Chief, is not bound by statutes or treaties during wartime; those statutes and treaties generally ban personal injury during interrogation. Furthermore, in the instant case there is increasing evidence in the public media to the effect that those abusing Iraqi prisoners of war were doing so at the command of their superiors; just today the United Press syndicate carried an article regarding General Karpinski which contained the following opening paragraph: “The U.S. Army general suspended after prisoner abuse was revealed at a Baghdad prison says she was ordered to treat prisoners like dogs.” One who is obeying a superior’s orders clearly must be operating “within the scope of his employment.” In sum, it appears that the depredations visited upon [REDACTED] are clearly within the ambit of the Military Claims Act.

Addressing a detail for the claim, I am attaching a listing of losses that covers both property and personal injury. This is intended to provide additional detail to the statements in the initial notice of claim. Regarding the \$118,900 that was taken from [REDACTED] room at the Sheraton, he is able to demonstrate that he received that money from Garmin International prior to his departure to Iraq and that he did not have the money on him when he was arrested by First Lieutenant [REDACTED]

Regarding Rights and Freedom International, I am attaching a fax I received from that office this morning. If you require additional information in this vein, please let me know.

Finally, I want to thank you for your efforts in this regard. I look forward to working with you to achieve a just conclusion.

Very truly yours,

[REDACTED]
[REDACTED]

Enclosures

cc: Client

[REDACTED]
Detailed Inventory of Losses

Items Taken from [REDACTED]

US\$118,900 in cash upon arrest in Baghdad by [REDACTED] and [REDACTED]

Several official Iraqi governmental documents and letters, estimated replacement cost/value \$5,000

Several photographs of Iraqi officials and some of the National Folklore Company, estimated replacement cost/value \$1,000

Canon Camera with the roll of film – estimated replacement cost/value \$300

Toshiba notebook computer, estimated replacement cost/value \$1,000

Data in Toshiba notebook computer, estimated replacement cost/value \$5,000

Valid Canadian passport, estimated cost of replacement cost/value \$200

Two voided Canadian Passports (no value)

Egyptian passport, estimated replacement cost/value \$200

Three Japanese saving account bank books, total lost value of deposits, \$1,000

Two Taiwanese saving account bank books, total lost value of deposits, \$300

Three Egyptian bank account books (no value)

Casio address book organizer and contents, replacement cost/value \$85.

Clothes, replacement cost/value \$500

Hotel room key taken out of pocket (no value)

Hotel ID card (no value)

Canadian citizenship card, replacement cost/value \$100

Wallet, replacement cost/value \$20

Canadian social insurance card (no value)

US social security card (no value)

US "Green Card" (INS certificate), replacement cost/value \$250

Florida drivers license (no value)

Bank of Montreal ATM card (no value)

Airline reservation voucher and used tickets (no value)

Business contacts cards data, replacement cost/value \$ 3,000

Iraqi visa and official letters (no value)

Transcript of health book, replacement cost/value \$ 2,000

Private pilot's license (US) (no value)

Aircraft and power plant license (US) (no value)

Aircraft Maintenance Engineer License (Canada) (no value)

Pilot log book (no value)

Pulse Generator (a German invention), replacement cost/value \$5,000

Engineering degree transcript, replacement cost/value \$200

Egyptian military service exemption, replacement cost/value \$ 200

Birth certificate, replacement cost/value \$100

Economic Losses Consequent to Arrest, Incarceration, and Abuse/Torture

Forfeited deposit with [REDACTED] of Florida in the amount of \$13,593.36 because of disability (unable to pursue and refund denied); loss of \$13,593.36

Loss from sale of Garmin International distributorship for \$100,000 when fair market value was equal to \$250,000; net loss of \$150,000

Short-term Medical Problems

Pain, suffering, humiliation caused by torture and abuse at Bucca Camp, \$25,000

Long-term (Continuing) Medical Problems

Glaucoma – deterioration of condition caused by withholding of medication. Because treatment was withheld, [REDACTED] now must use three medical eye drops instead of the previous one. When medications fail, surgery will be required which will be effective for only a year or so. Enhanced likelihood of blindness. Proposed settlement: Have United States undertake responsibility for future medical costs of treating glaucoma

Depression – unknown long-term effects. Proposed settlement: Have United States undertake responsibility for future treatment for depression and post-traumatic disorders

Loss of income due to medical disability, \$50,000 per year

Pain and suffering, \$300,000

Rights and Freedom International

Phone: 1-888- [REDACTED] (toll free USA and Canada)

Saudi Arabia: [REDACTED]

June 15, 2004

To Whom It May Concern

Rights and Freedom International is a peace organization registered in the county of Los Angeles California whose purpose is trying to help solving international disputes in a peaceful and non violent manner.

Out of that belief, [REDACTED] went to Iraq to convince the Iraqi government to step down to comply with the United States Administration desire, so a destructive war could be avoided saving lives and money.

[REDACTED] went to Iraq on January 2003 to negotiate that matter with the highest level of the Iraqi government he could achieve.

Thanks & Best Regards
Secretary

[REDACTED]



DEPARTMENT OF THE ARMY
U.S. ARMY CLAIMS SERVICE
OFFICE OF THE JUDGE ADVOCATE GENERAL
4411 LLEWELLYN AVENUE
FORT GEORGE G. MEADE, MARYLAND 20755-5360



May 5, 2004

Foreign Torts Branch

Subject: Claim of [REDACTED], 04-C01-T064

[REDACTED]

Dear Mr. [REDACTED]

This letter acknowledges receipt on May 3, 2004, of the Standard Form (SF) 95 claim form and accompanying documents you submitted related to the above-captioned claim of your client, [REDACTED], against the United States in the amount of \$350,000. The claim alleges that United States military personnel in Iraq mistreated and tortured your client after his arrest in Baghdad, Iraq, from April 9 to May 15, 2003.

This Service will consider your client's claim under the Military Claims Act (MCA), Title 10, United States Code, Section 2733, as he is a resident of the United States and the claim arose in Iraq. The Federal Tort Claims Act excludes claims arising outside the United States. Title 28, United States Code, Section 2680(k).

The following information is provided concerning the MCA:

a. The Act is a purely administrative remedy; no judicial remedy is available under the Act. Unfavorable action on the claim may be appealed to higher authority.

b. Attorney fees are limited to 20 percent of any settlement and are paid by the claimant out of the settlement.

c. The claims investigation will be informal. There are no depositions or other formal discovery procedures required or followed under the Act. I will contact you concerning the specifics of the investigation.

The law requires that a claimant sign the claim or provide written authority for someone else to sign on his behalf. I am enclosing a standard form (SF) 95 for your use. Please complete the

relevant portions of the form and have your client sign the SF 95 where indicated. Alternatively, please provide a signed authorization from your client for you or someone else to sign the claim form on his behalf.

The MCA requires that the alleged Government tortfeasors be acting within the scope of their authority when they cause injury to a claimant. Some of the conduct you allege occurred appears to be clearly outside the scope of duty required of a military member to arrest and detain someone. Please explain why you believe that that conduct falls within the coverage of the MCA. Additionally, please provide a written statement from your client explaining the details of his claim. Besides the factual basis of the allegations, please have him explain and itemize the claimed damages, including the \$118,900 in cash he claims was lost. Please include a statement from Rights and Freedom International concerning your client's presence and activities in Iraq.

If you have any questions, you may contact me at [REDACTED] extension [REDACTED]. Please refer to your claim number in all correspondence.

Sincerely,

[REDACTED]
Attorney Advisor
Foreign Torts Branch



DEPARTMENT OF THE ARMY
U.S. ARMY CLAIMS SERVICE
OFFICE OF THE JUDGE ADVOCATE GENERAL
4411 LLEWELLYN AVENUE
FORT GEORGE G. MEADE, MARYLAND 20755-5360



June 3, 2004

Foreign Torts Branch

Subject: Claim of Hossam Shaltout, 04-C01-T064

[REDACTED]

Dear Mr. [REDACTED]

I am in receipt of both your May 10, 2004 and May 20, 2004 letters. I will address issues in both letters:

According to the US Immigration and Customs Enforcement Office, your client can request a replacement for his Permanent Resident Card by submitting a completed form I-90. The replacement process is sometimes a long wait, however, the submission of the request form generates file-stamped paperwork that will suffice as proof of his residency for any travel he needs to accomplish in the interim. I hope that this information proves helpful for [REDACTED]

You requested assistance in obtaining information in various files for [REDACTED]. I do not have any of the documents that you have requested. As this is an administrative process, this Service is not in the position to obtain those documents for you. We are not the custodian of any of these records. As you indicated in your letter of May 10, 2004, I would suggest you draft a Freedom of Information Act (FOIA) request to the custodians of those various records in order to obtain them.

We are going to need to interview your client. As he is still in Saudi, there are some logistical issues we are going to have to work through – obviously, if he is able to request a replacement Permanent Resident Card and obtain the file stamped paperwork, he can come to the United States and we'll interview him here. Alternatively, we'll have to have personnel interview him in Saudi. Please keep me posted about his status.

Also, as we indicated in our acknowledgement letter to you, the MCA requires that the alleged Government tortfeasors be acting within the scope of their authority when they cause

injury to a claimant. Some of the conduct you allege occurred appears to be clearly outside the scope of duty required of a military member to arrest and detain someone. Please explain why you believe that that conduct falls within the coverage of the MCA. Additionally, please provide a written statement from your client explaining the details of his claim. Besides the factual basis of the allegations, please have him explain and itemize the claimed damages, including the \$118,900 in cash he claims was lost. You provided an email from CID which indicated they were unable to prove the loss of the property. I need some type of receipt or proof for the items that he is claiming.

Also, you provided a photo copy of the Rights and Freedom International newspaper advertisement. I need a statement from the organization which explains your client's presence and activities in Iraq.

If you have any questions, you may contact me at [REDACTED] extension [REDACTED]. Please refer to your claim number in all correspondence.

Sincerely,

[REDACTED]
Lieutenant Colonel, US Army
Chief, Foreign Torts Branch



REPLY TO
ATTENTION OF

HEADQUARTERS
COMBINED JOINT TASK FORCE SEVEN
BAGHDAD, IRAQ
APO AE 09342

FCC I5G

SUBJECT: Foreign Claims Commission I5A, Claim of [REDACTED], 04-I5A-T040

[REDACTED]
Hilla, Iraq

Dear Ms [REDACTED]

This notice constitutes final administrative action on your claim against the United States in an unspecified amount. Your claim is for personal injury to your son [REDACTED] who the Marines shot and detained on 16 July 2003.

Foreign Claims Commission (FCC) I5A has investigated and considered the claim under the Foreign Claims Act (FCA), Title 10, United States Code, Section 2734, as implemented by Army Regulation (AR) 27-20, Chapter 10. The claim is cognizable solely under the FCA as it concerns an inhabitant of Iraq. The Federal Tort Claims Act, Title 28, United States Code, Section 2680(k), is not applicable as it excludes claims arising in foreign countries. Under the FCA, a claim for death or personal injury may be allowed whether or not the negligent act complained of was made within the scope of employment.

Upon review of your claim, it appears US forces were negligent in shooting your son. In addition, he should have been released from the hospital and instead was arrested and transported to Abu Ghareb prison. The FCA provides for payments for the wrongful or negligent acts of US forces. However, at this time your claim must be denied because you are not the proper person to bring a claim. However, if your son would like to file a claim, FCC I5A will offer him \$1,000 to settle. Therefore, if he would like to settle this claim, please bring him along with this letter to the office from which you received it and a time will be arranged to issue payment.

If you are dissatisfied by this action, AR 27-20 provides that you may request that the decision be reconsidered. Any such request must be forwarded to this office for FCC consideration. There is no prescribed format for such a request. However, it should describe the legal and/or factual basis for relief. Any request for reconsideration must be made, in writing, within 30 days of receipt of this letter.

The FCC's action on reconsideration is final and conclusive by law.

Sincerely,

[REDACTED]

Captain, U.S. Army
FCC I5A

قبول بالتوقيع من قبل المدع (المطالب)

I, the claimant by signing this document and accepting payment, am releasing the United States Military and the United States Government from any further liability resulting from this claim and accepting this payment as final settlement on this claim.

أنا المدع (المطالب) بالأمضاء و بالتوقيع على تلك الاستمارة و الموافقة على العرض (المبلغ) أنا باعفى القوات العسكرية الأمريكية أو حكومة الولايات المتحدة الأمريكية من أى مسؤولية مقبلة تنتج من المطالب و الموافقة على المبلغ المعروض على أنه عرض نهائى . و ليس من حقى أو الورثة (أى شخص من بعدى) القيام بأى عمل قانونى أو غير قانونى ضد القوات العسكرية الأمريكية أو الولايات المتحدة الأمريكية فى المستقبل.




PAYMENT REPORT

TO: DFAS, DSSN: 8724

Date:

A. Payment Data:

- (1) Submitting Agency/Office: United States Army Claims Service
- (2) Office Code: 15A
- (3) Agency/Office Mailing Address: V Corps, OSJA Camp Victory, Iraq APO AE 09432
- (4) Date Claim Filed: 1 September, 2003
- (5) Claim Number(s) 04-15A-T040
- (6) Amount Claimed: \$0.00
- (7) Fund Cite: 2142020 22-0204 P436099.22-4200 VIRQ F9206 S99999 APC 9609
- (8) Payee(s): 
- (9) Address: Annana Village, Hilla.
- (10) SSN: N/A
- (11) Payment Amount: \$1,000.00
- (12) Type Payment: PF
- (13) For EFT Payments: ABA Routing Number:
- (14) For EFT Payment: Account Name and Number:
- (15) For EFT Payment: Name and Address of financial institution:
- (16) For EFT Payment: Account is (checking) (savings) (Circle appropriate account).

B. ACCEPTANCE BY CLAIMANT (Note: This form should not be signed by the claimant if another release is signed by the claimant is attached.)

I, the claimant, do hereby accept the within -stated award, compromise, or settlement as final and conclusive on my heirs, executors, administrators or assigns, and agree that said acceptance constitutes a complete release by me, my heirs, executors, administrators or assigns of any and all claims, demands, rights, and causes of action of whatsoever kind and nature, arising now or in the future from, and by reason of any and all known and unknown, foreseen and unforeseen bodily and personal injuries (including wrongful death), damages to property, breaches of contract or law, and any other acts or omissions, and the consequences therefore resulting, and to result, from the same subject matter that gave rise to the claim for which I or my heirs, executors, administrators, or assigns, and each of them, now have or may hereafter acquire against the United States and against the employee(s) of the Government whose acts or omissions gave rise to the claim by reason of the same subject matter. I further agree to reimburse, indemnify and hold harmless the United States, its agents, servants and employees from any and all claims or causes of action, including wrongful deaths, that arise or may arise from the acts or omissions that gave rise to the claim(s) by reason of the same subject matter.

Date: _____


 (Claimant)

C. AGENCY CERTIFYING OFFICER:

Pursuant to authority vested in me, I certify that this Payment Report is correct and proper for payment.

(Date)

(Signature Authorized Certifying Officer)

FCC

Title

Date Payment Recorded in Claim Record:

A separate payment report must be completed for each claimant

Privacy Act Statement

The information is required in accordance with 31 U.S.C. 1304. The data you furnish will be used to certify your claim for payment. Failure to provide this information may result in your claim not being processed for payment.

ACCIDENT CLAIMS FORM

0415A T040

NAME: [REDACTED]

DATE OF ACCIDENT: 16-7-2003

PLACE OF ACCIDENT: Annama village

YEAR, MAKE & MODEL OF CAR (IF APPLICABLE):

EXPLANATION OF HOW ACCIDENT OCCURRED: This woman claims that her son ([REDACTED]) was a night guard in the A/m village, the accident happened at 3 o'clock at midnight, at that time a patrol of Marines passed, when they saw the guard they shot at him six bullets and injured him, they took him to [REDACTED] and just one bullet was removed and got taken him to Juv Al Sakhar hospital and removed the other five bullets, but the patient still was suffering from the injury and unable to work.

POLICE REPORT ATTACHED:

PHOTOS ATTACHED: NO

ESTIMATED COST OF (REPAIR) (MEDICAL EXPENSES):

COMMENTS & RECOMMENDATION OF GST PERSONNEL:

recommendation: pay

6 D.Lh

COMPLETED FILE SHOULD BE SUBMITTED TO CPT TYSON AVERY, USMC 1ST MEF
JAG, AT BABYLON PALACE COMPOUND



DEPARTMENT OF THE ARMY

GOVERNATE SUPPORT TEAM
AL HILLAH, BABYLON, IRAQ

AOCP-CA-GST

16 AUG 2003

MEMORANDUM FOR MILITARY DETENTION FACILITY, BAGHDAD

SUBJECT: RELEASE OF PRISONER

1. The family of [REDACTED] has presented to us a request for his release. The enclosed letters have been provided by the family detailing the events leading up to arrest of Mr. [REDACTED].
2. [REDACTED] was in fact arrested by mistake. In fact, his arrest occurred in our zone without our knowledge by an MP unit. We have several witnesses, to include from the MP unit, that have stated that [REDACTED] was shot as a suspect and transferred to the 28th CASH but, subsequent investigation has revealed that there was no basis for his arrest. For some reason, the individual was transferred from the military hospital as a detainee instead of being released.
3. This letter is the result of our efforts to locate this Iraqi for two weeks. We, as of yet, have been able to contact you by telephone and are thus resorting to the use of a letter.
4. POC is the undersigned of the [REDACTED] CMOC @ telephone number [REDACTED] or the COC of 1st Battalion, Fourth Marines in Al Hillah at [REDACTED] *2*

GATE 2
JAG OFFICE

[REDACTED]
[REDACTED]
Major, U.S.M.C.
Executive Officer

To The Airport

[REDACTED]

للعائلة ارفع عند الترخيم عند حارس

Please take your paperwork

to Abu Kareeb prison to have

your son released.

For the family of [REDACTED]

[REDACTED]

باسم الاستدات معاد
رائد بن الحسين في أبو كريب (أبو قبيص)
ابنك راجع يكون في السجن اقراجه

This family needs to speak
with Civil Affairs about
a relative that was shot

by the Marines by accident.

They are searching for the
name of the prison at which
their son is being held.

[REDACTED]

الدكتور

عبد اللطيف عزيز الزيدي

جراح اخمصائي

يكتوراه في جراحة العظام والكسور

وامراض الفاصل والفقرات

M. B. Ch. B. F. I. C. M. S. Orth

Specialist Orthopaedic Surgeon

جله - المحافظة القديمة

مقابل محطة الغاز

المصنف له هذه وصايا لكسب الله
يظهر المصنف انه في حجة له عليه
تحت دأله لكسب عقابيل اطلاقاً
نارية

و قد ورد في هذه في احسن العقول والادب
التي في المصنف انه في عقابيل عليه
الاطلاق في نارية

و قد ورد في هذه في احسن العقول والادب

تأهلیتہ مختار مرکز کی طرف سے
انکراہی ٹیلیڈینٹ
بسم اللہ الرحمن الرحیم
شہرہ ویدہ امراتہ

العدد / ۲۲

التاریخ / ۱۷ / ۱۲

۱۔ / حق قوائے استوائیہ

۳۔ / تاکبیر

تویر نام اُن کے پناہ دہا الیہ (رائے عید لکرم عید) دھوا احمد مراد استغفہ عنانہ
سندھیا کدوہ میاں بوقت میاں مر حبیبہ تم آئینہ تجوید لاسم لاری المرحم
۹۲۰ می ۲/۵/۹۹ - العلم لطفاً

نظام آباد
قام قادیہ قضاہ مرکز الحلیہ
انکراہی ٹیلیڈینٹ

اللہ اعلم

کما لفتہ سر واث

تأهلیتہ مختار مرکز کی طرف سے

In the Name of Allah, the Beneficent, the Merciful

To / Babylon Governorate Office

Sub. / Recommendation

We are signatures below, the selector and selected people of Annana village . We certify and support that the guard [REDACTED] lives in Annana village with good reputation . He hasn't any hurt in the village and he has no any relation with former Baath Party and he is a good citizen .

He works as a guard in our village and his connection is with Al Hilla city lieutenancy . For this reason we sign below .

Witness

Witness

Selector

[REDACTED]

[REDACTED]

[REDACTED]
Selector of Annana village

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

In The Name Of Allah the Beneficent , the Merciful

To / Coalition Forces in Babylon Province

At night of 16-7- 2003 , the coalition forces (Marines) had attacked on ([REDACTED]) during his official duty as a night guard in Amman village . One of the American soldiers had shot him by fire . He was arrested and moved to unknown place . Since that night , we didn't hear any news about him . We went to many offices but we got nothing . They said that they didn't have any information about this subject . Later , we knew that our son was imprisoned in Dakor Hospital in Jorf Al Sakhar and he would be judged and put in jail without any guilt or fault . The group of American forces was to blame . There are more than ten night guards witness of these things . The accident details are as follow as witnesses say :

When some of American forces entered wrongly in our village and this region is not their limitation to search in . One of the American soldiers took the gun of [REDACTED] he was ready to fire , another soldier was standing on the carriage opened fire towards the guard . He had the specialized card on his chest as a night guard . The patrol then had arrested him without any charge .

He is responsible of a big family including his mother two sisters , three brothers besides his wife and four children . The eldest one is seven years old . This guard is a good person with good reputation . He had never any contact with former Baath Party . He did his best to keep security in our village . This recommendation is assured by his employers and by the selector of the region according to papers enclosed .

There are many observations that must be taken care of this case :

1. Marines Forces opened fire wrongly . It was not their duty in that region .
2. There was no a translator with them which led to that accident .
3. We (night guard's family) demand to bring the witnesses and to ask them about the reasons of the accident to free our son from prison and go back to his children ,
4. If there is ambiguity conditions related this matter , we shall assign a lawyer to talk on behalf of him and to protect him .

Family of citizen
[REDACTED]

**In the Name of Allah , the Beneficent , the Merciful
Iraq Republic**

**Al Hilla city centre Lieutenancy
Night Guards**

**No. /
Date : / / 2003**

To / Coalition Forces Centre

Sub. / Support

We certify that night guard [REDACTED] is one of the guards of our village (Annana) . He is still in the employment at present time . He was appointed due to administrative order no. 932 in 29 / 5 / 2003 . To informing you of this matter please .

General Pilot

[REDACTED]
Lieutenant of Al Hilla city centre

"In The Name of God, The Most Merciful, The Most Gracious"

To / Coalition Forces in Babylon

In the 16th of July - 2003, Coalition Forces (Marines) attacked ~~████████████████████~~ while he was on duty as a night guard in Annanah Village. One of the Marines shot ~~██████████~~ and then ~~██████████~~ was arrested and he was taken to unknown place. Ever since nothing was heard about him and nobody told us anything of him "We don't know anything about him, we don't know what you're talking about". After that we were sure that he is detained in Dicoor Hospital - Just ~~████████████████████~~ Area and be charged and sent to jail unguilty. The only wrong doing comes by the America Patrol. We have more than ten ^{fellow} night guards ready to be witnesses on that occasion and we have one in detail of what happened. When the patrol entered wrong in Annanah Village; yet it is out of the limit of their duty. One of the American Soliders took the weapon of ~~██████████~~ and prepared the weapon for fire, mean while the other soldier who was on the truck fired toward the guard who was wearing the guard badge. Then he was detained by the patrol. The guard sponsored a big family consist of a mother, two daughters, three sons, a wife for children, the older of them is of seven years old. The guard is well-mannered and he was not belong to Baath Party and he doing his work honestly and properly. He is also respected by the people of the Village and the responsables for being trusty.

بسم الله الرحمن الرحيم
الى / قوات التحالف في محافظة بابل

في ليلة (٢٠٠٣/٧/١٦) قامت قوات التحالف المتمثلة (بالمارينز) بالاعتداء على المدعو (رافع عبد الكريم عبيد جاسم) اثناء تأدية واجبه الرسمي كحارس ليلي في قرية عنانة ٠٠٠ حيث قام احد الجنود الامريكان بضربه بعدد من الاطلاقات النارية وتم اعتقاله ونقله الى جهة مجهولة ومنذ تلك الليلة انقطعت جميع الاخبار وأي جهة تقوم بمراجعتها يكون الجواب لانعلم ليس لدينا أي معلومات لانعرف شيء عن الموضوع هذا الجواب الوحيد الذي نحصل عليه وبعدها علمنا ان ابننا معتقل في مستشفى ذاكور في جرف الصخر وسوف يحاكم ويودع السجن بدون أي ذنب أو أي خطأ يرتكبه بل الخطأ من الدورية وهناك أكثر من عشر حراس ليلين يعملون معه يشهدون على ذلك وتفاصيل الحادث كما يلي من افادة الشهود ٠٠٠

عند دخول الدورية خطأ في قرية عنانة علماً انها ليس ضمن حدود واجبهم هذا ماتوصنا اليه اخيراً قام احد الجنود الامريكان بأخذ سلاح المدعو رافع عبد الكريم وقام بسحب الاقسام في نفس الوقت قام الجندي الآخر من فوق العجلة الامريكية بفتح النار على الحارس علماً انه يرتدي الباج الخاص بالحراس اليلين وبعدها قامت الدورية باعتقاله بدون أي تهمة تذكر ٠٠٠

علماً انه يعيل عائلة كبيرة تتكون من ام وأخوات اثنان وثلاث اخوان وزوجة وابنة اطفال كبيرهم عمرة سبع سنوات

كذلك ان المدعو حسن السيرة والسلوك ولم ينتمي إلى حزب البعث السابق وانه عنصر جيد يحافظ على الأمن والاستقرار في منطقته وهذه التركيبة موثقة من قبل مسؤوليه ومن قبل مختار المنطقة حسب الاوراق المرفقة طياً هناك عدة ملاحظات نرجوا اخذنا بنظر الاعتبار في هذه القضية

١. قوات المارينز التي قامت بإطلاق النار جاءت بالخطأ أي لم يكن واجبهم في تلك المنطقة .

٢. عدم وجود مترجم مع الدورية ادى الى حدوث مثل هذا الاشكال .

٣. نطالب نحن عائلة المدعو (الحارس اليلي) بإستدعاء الشهود والنظر بالحقائق في ظروف الحادث لأخراج ابننا من السجن لكي يعود الى عائلته واطفاله

٤. اذا كانت هناك ظروف غامضة في القضية لتوكيل محامي للدفاع للنظر في القضية أو اطلاق سراحه لكي يعود الى عائلته

عائلة المدعو

رافع عبد الكريم عبيد جاسم



REPLY TO
ATTENTION OF

HEADQUARTERS
COMBINED JOINT TASK FORCE SEVEN
BAGHDAD, IRAQ
APO AE 09342

FCC IB5

MEMORANDUM FOR Finance Office, CPA, Baghdad, Iraq

SUBJECT: Approving Memorandum for Claim: 04-I5A-T040

1. Pursuant to my authority as the Foreign Claims Commissioner (FCC IB5), I have approved the payment of \$1000 as final settlement of Foreign Claim 04-I5A-T040, [REDACTED] of Iraq.
2. The payment will be made on 4 May 2004, at the Iraqi Convention Center located in Baghdad, Iraq.
3. The reason for payment of this claim is based on the US Forces negligent shooting and detainment of the claimant.

[REDACTED]

Captain, JA
FCC IB5

بسم الله الرحمن الرحيم

الحل / فما فعله بابل :

٣ / تزكية

نحن الموقعون أدناه مختار واختياريه قريه عنانك
نشهد ونؤيد بأن التوا^{المصارف} من « رافع عبد الكريم عبيد جاسم »
من سكنة قريه عنانك وسمعت حيدة ولسر وهدلديه
أي اذن في المنطقة وليس لديه ارتياح بحزب البعث
والله عنهر عبيد .

علماً انه يعمل بصفة مدرس في قرية عنانك
وارتباطه الوظيفي بقائمه عبيد عوكر قهنا والملا
ولاحظه وقهنا أدناه .

مصادري وناس مختار
مصادري وناس مختار
مصادري وناس مختار

بسم الله الرحمن الرحيم

الحق / فما غطاه بابل

٣ / تزكية

نحن الموقعون أدناه مختار واختيارية قريته عنا
بشهادة نويد بأن المواقين «^{الموافقين} دافع عبد الكريم عبيد جاسم»
بن سكرية قريته عنا وسمعتهم حيدة ولا يروهم لريه
أبي اخذ في المنطقة وليس لريه رثيا لم يزره البعث
وانه عسكر عبيد

علما انه يعمل بصفة مدرس في قريته عنا
وارثيا له انو له بقا نفعا حيدة هو كز قننا والملا
ولا حلة وقننا أدناه

[Redacted signature]

[Redacted signature]

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[Redacted signature]

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[Redacted signature]

[Redacted signature]

[Redacted signature]

[Redacted signature]

[Redacted signature]

REPLY TO
ATTENTION OF

HEADQUARTERS
COMBINED JOINT TASK FORCE SEVEN
BAGHDAD, IRAQ
APO AE 09342

25 Dec 03

FCC I5A

Claim of [REDACTED] I5A-T040

ACTION

1. Facts. On 16 July 2003, the claimant's son, [REDACTED] was working as a night guard in the Annana village in Al Hilla. At approximately 0300, military police from an unknown unit, believed that the claimant's son was a suspect and shot him. This was not the AO of the military police unit; rather it was that of the Marines of the 1st Battalion of the 4th Marines. After the shooting, he was taken to 28th CSH, treated and then detained and transported to AbuGhareeb prison. His family and [REDACTED], the XO of the GST in Al-Hilla were trying to get him released as of 16 July 2003.

2. Opinion. [REDACTED], the XO of the GST in Al-Hilla stated that [REDACTED] was arrested by mistake by an MP unit. He states that he was arrested as a suspect, but no reason was given as to why he was shot. [REDACTED] stated that the MPs were in the 1st of the 4th Marines area without their knowledge and a subsequent investigation of the arrest turned out to be without a valid basis.

If in fact the MPs were not supposed to be in the Marines area, then the shooting occurred due to negligence or misconduct by the MP unit. Therefore, because the FCA allows for compensation of the negligent or wrongful acts of US forces, claimant's son may be compensated. However, it must be claimant, not claimant's mother to file the claim. Therefore, until such time that it is determined that Mr. [REDACTED] was released from Abu Gharib due to a mistake, claim cannot be paid. Documents needed, CID or SIGACT report.

3. Authority. The Foreign Claims Act (10 U.S.C. § 2734) as implemented by AR 27-20, Chapter 10.

4. Action. That the claim be paid in the amount of \$1,000.

[REDACTED]

Captain, U.S. Army
FCC I5A

PUBLIC VOUCHER FOR PURCHASES AND
SERVICES OTHER THAN PERSONAL

U.S. DEPARTMENT, BUREAU, OR ESTABLISHMENT AND LOCATION

DEPARTMENT OF THE ARMY
DFAS-IN
INDIANAPOLIS, IN 46249

DATE VOUCHER PREPARED

CONTRACT NUMBER AND DATE

REQUISITION NUMBER AND DATE

VOUCHER NO.

SCHEDULE NO.

PAID BY
DSSN: 8551

DFAS-IN
INDIANAPOLIS, IN
46249 DSSN:5570

DATE INVOICE RECEIVED

DISCOUNT TERMS

PAYEE'S ACCOUNT NUMBER

GOVERNMENT B/L NUMBER

PAYEE'S
NAME
AND
ADDRESS

SHIPPED FROM

TO

WEIGHT

NUMBER
AND DATE
OF ORDER

DATE OF
DELIVERY
OR SERVICE

ARTICLES OR SERVICES
(Enter description, item number of contract or Federal supply
schedule, and other information deemed necessary)

QUAN-
TITY

UNIT PRICE
COST PER

AMOUNT
(1)

Claim Payment
Final Payment of FCA Claim #04-15A-T040

1,000.00

(Use continuation sheet(s) if necessary)

(Payee must NOT use the space below)

TOTAL

1,000.00

PAYMENT:

- ☐ PROVISIONAL
☐ COMPLETE
☐ PARTIAL
☐ FINAL
☐ PROGRESS
☐ ADVANCE

APPROVED FOR

= \$

EXCHANGE RATE

= \$1.00

DIFFERENCES

Amount verified; correct for
(Signature or initials)

Pursuant to authority vested in me, I certify that this voucher is correct and proper for payment.

(Date)

(Authorized Certifying Officer)

Certifying Officer
(Title)

ACCOUNTING CLASSIFICATION

2142020 22-0204 P436099.22-4200 VIRQ F9206 S99999 APC 9609

Accounting Classification Verified By: SSG, USA, Disbursing NCOIC

PAID BY

CHECK NUMBER

ON ACCOUNT OF U.S. TREASURY

CHECK NUMBER

ON (Name of bank)

CASH

DATE

PAYEE 3

PER

TITLE

¹ When stated in foreign currency, insert name of currency.

² If the ability to certify and authority to approve are combined in one person, one signature only is necessary; otherwise the approving officer will sign in the space provided, over his official title.

³ When a voucher is receipted in the name of a company or corporation, the name of the person writing the company or corporate name, as well as the capacity in which he signs, must appear. For example: "John Doe Company, per John Smith, Secretary," or "Treasurer," as the case may be.

قبول بالتوقيع من قبل المدع (المطالب)

I, the claimant by signing this document and accepting payment, am releasing the United States Military and the United States Government from any further liability resulting from this claim and accepting this payment as final settlement on this claim.

أنا المدع (المطالب) بالأمضاء و بالتوقيع على تلك الاستمارة و المرافقة على العرض (المبلغ) أنا باعفي القوات العسكرية الأمريكية أو حكومة الولايات المتحدة الأمريكية من أي مسئولية مستقبلية تنتج (أي شخص من بعدى) القيام بأي عمل قانوني أو غير قانوني ضد القوات العسكرية الأمريكية أو الولايات المتحدة الأمريكية في المستقبل.

Claims Form

To: United States Army Foreign Claims Commission.

From: Name: _____

Address: _____

Baghdad Heydar bridge

I am

- a. A citizen and national of: Iraq
b. A permanent resident of:
c. Employed by:
d. Check one () An insurer () Not an insurer
e. Check one () An subrogee () Not an subrogee

I hereby make a claim against the United States Government for damages or injuries caused by: (Name, Organization, Military Department, Address, Telephone Number)

Coalition forces at Aboknech prison

The property damaged is owned by: (If the claim is made as an agent, parent, or guardian, attach a power of attorney or other evidence of authority and fill in the form below for party sustaining the damage or injuries.)

My claim arose at: Aboknech prison Baghdad Iraq
(Town) (City) (Country)

My claim arose on: 11 8 2003
Month Day Year

Give a brief statement of the accident or incident on which the claim for damages to property or for personal injury is based. (Use back of this sheet if necessary.)

On May 2003 my father was arrested by Coalition forces and put at Aboknech prison. We tried many times to visit him with no success. Then we were told by prisoners released from Aboknech prison that my father died at the prison. So we found his body at local police station wearing red suit and his hands were tied. As the American left the body at the front gate of the hospital.

Describe nature and extent of property damage or personal injury sustained as a result of the above incident.

Dead animal.

List in detail the amount of property damage and itemized expenses resulting from the property damage or personal injury: (Attach bills and receipts, if applicable.)

<u>Item</u>	<u>Amount</u>
-------------	---------------

10 000 000 TL	
---------------	--

Total: 10 000 000 TL

I was insured to the following extent against the damage or injuries I have sustained:

The name and address of my insurer (if any) is:

(Name)

(Address)

I claim as damages: (Indicate amount in U.S. dollars and local currency)
\$ 4 000 \$ local 10 000 000 TL

(Signature of Claimant)

Subscribed before me this ____ day of _____, 200__.

(Print Name)

(Signature)

To: CPA, Esq.

Sub: Compensation

I'm the father of the demise " [REDACTED]
in may, 2003 the Americana forces arrested my son and prisoned him in
Abu Gherab- prison for five months and we were told by some of
individuals who were with him in a prison.

On 8-11-2003 the corpse had been founded and put into a black
sack, wearing ared uniform on which there is a number (84).

He was found with hands that being shuckled according to the
order issued from the hospital to AL Shua'a police station. After that it
had been called upon us for receiving the cropse.

The messers, Esq.

The official orders issued from Iraq police station, the specialized
court along with other documents like demise certificate certify that the
cropse had been placed at the entrance of the hospital by American
forces. These documents are official and right one. So I beseach you to
compensate me financially due to the my son death and I'm ready to
provide you with the copy of these orders.

With best regards

The father of the demise

[REDACTED]
Baghdad- Dayala Bridge
[REDACTED]
[REDACTED]

Al-Shu'ala police station

8-11-2003

we were told by the hospital that the americans brought a body and left it and the hospital's gate

we went to the hospital we found a body of a man inside a black bag we could not identify the body as there was no ID on it.

1

AL-shuara police station

8-11-2003

Report on the body

- ① The body inside black bag.
- ② The hands were tied.
- ③ The body w.
- ④ of a removed the
- ⑤ blue spot on the eye.

with No 84

2

CLAIMS CHRONOLOGY SHEET

CLAIMANT'S NAME: [REDACTED] FILE # 1004-852

AMOUNT CLAIMED: \$ 10,000 AT: [REDACTED]

DATE OF INCIDENT: 3/9/04

DATE CLAIM FILED: 1 May 04

DATE CLAIM FILED:

1004-052

Ale

1 may 24

[illegible]

Claims Form

To: United States Army Foreign Claims Commission

From: Name:

Address:

Baghdad Al-dawoody

I am

- a. A citizen and national of: Iraq
b. A permanent resident of:
c. Employed by:
d. Check one () An insurer () Not an insurer
e. Check one () An subrogee () Not an subrogee

I hereby make a claim against the United States Government for damages or injuries caused by: (Name, Organization, Military Department, Address, Telephone Number)

The property damaged is owned by: (If the claim is made as an agent, parent, or guardian, attach a power of attorney or other evidence of authority and fill in the form below for party sustaining the damage or injuries.)

My claim arose at:

(Town)

Baghdad

(City)

Iraq

(Country)

My claim arose on:

Month

1

Day

31

Year

2004

Give a brief statement of the accident or incident on which the claim for damages to property or for personal injury is based. (Use back of this sheet if necessary.)

My father was arrested on 25-11-2003 as he was chest scintest. He was a director General. On 11-1-2004 we were allowed to see him. He was in very good health. On 17-2-2004 we were told by red cross that my father had died on 31-1-2004 as a result of being tortured and there was bruises at the face and there was a wound and twice at surgery at the heart according to american reports at Eren Rana hospital.

Describe nature and extent of property damage or personal injury sustained as a result of the above incident.

My father was killed by the
Americans

List in detail the amount of property damage and itemized expenses resulting from the property damage or personal injury: (Attach bills and receipts, if applicable.)

Item

Amount

for damages 15 000 000 ID

Total: 15 000 000 ID

I was insured to the following extent against the damage or injuries I have sustained:

The name and address of my insurer (if any) is:

(Name)

(Address)

I claim as damages: (Indicate amount in U.S. dollars and local currency)

\$ 10 000 \$ local 15 000 000 ID

(Signature of Claimant)

Subscribed before me this ____ day of _____, 200____.

(Print Name)

(Signature)

I'm the citizen [REDACTED]

[REDACTED] lives in Baghdad [REDACTED]
[REDACTED]

In date 25/4/2003 my Father was arrest his
name is Dr. [REDACTED]

From American army. Then in date 11/1/2004

they allow for us, me & my family to visit him
at airport of Baghdad, his health was good at that time
and he wasn't sick and there is no any injured or irritation.

In date 17/2/2004 they told us from the red cross

that my Father was dead and his body in Kerh

haspitol and when I go and see the body, there was

injury in his head & scratch at his face. My Father

was one the chemical scientist in the country.

I interduce my request against the american